

BES No. U-141

Comparison of State Unemployment Insurance Laws

U.S. DEPARTMENT OF LABOR
W. Willard Wirtz, Secretary
MANPOWER ADMINISTRATION
BUREAU OF EMPLOYMENT SECURITY
Washington, D.C. 20210

Comparison of
State Unemployment
Insurance Laws



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Unemployment Insurance Service

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MANPOWER ADMINISTRATION

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Robert C. Goodwin, Administrator

UNEMPLOYMENT INSURANCE SERVICE

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Comparison Revision

Number 1, Series 1

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TO ALL USERS:

The attached revised pages reflect changes made since the publication of the *Comparison* in January 1966.

The next revision (Revision No. 2) will contain a checklist of all the current pages.

The transmittal page of each revision should be filed in the front of the *Comparison* and retained for a period of 2 years. Four revisions will be issued during each 2-year period. The transmittal page for each revision will be printed on a different colored page, each color representing a predetermined sequence in the revision series; i.e., the transmittal page for the current revision is printed on yellow paper, Revision No. 2 will be printed on pink paper, Revision No. 3 on green paper, and Revision No. 4 on salmon paper. After this four-part sequence has run its 2-year cycle, the next revision series will again begin with a yellow transmittal page. This will begin Series No. 2. On receipt of Series No. 2 transmittals, the user can discard from his *Comparison* all transmittal pages which are part of Series No. 1. It is proposed to continue this system indefinitely.

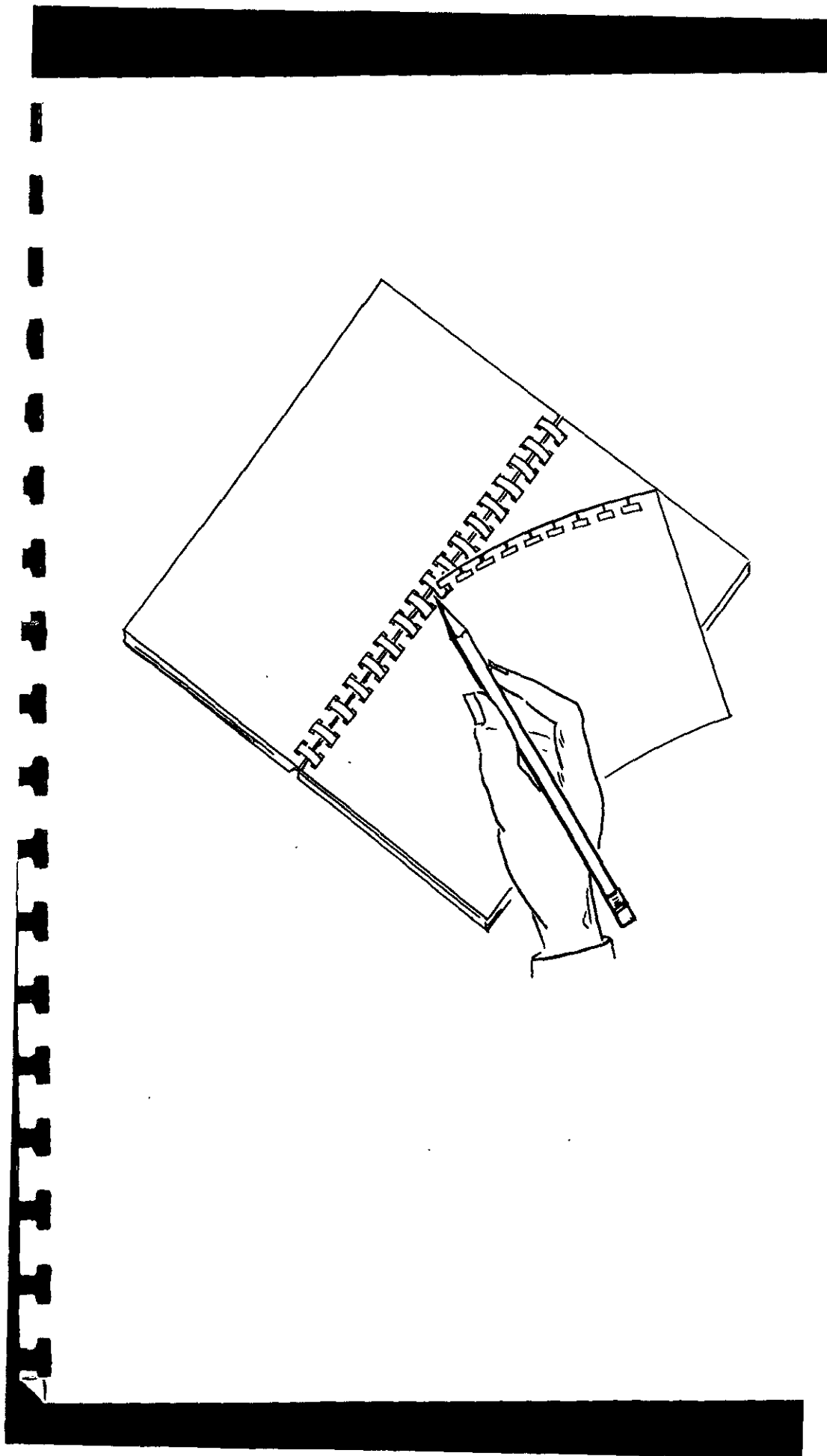
Filing Instructions: New pages should be inserted with the point of a pencil by placing the "T's" at the edge of the revised pages between the rings of the plastic comb binding. For your assistance, we have included an illustration of a method which can be used to insert the revised pages.

Each revised page carries the notation "Rev." followed by the revision date. Pages which were reprinted because they were on the reverse side of a revised page carry the new date but the abbreviated "Rev." is omitted.

To allow the user to identify quickly revisions to the *Comparison*, the table which follows lists by page and paragraph, as well as by the type of action, changes resulting through operation of "flexible" maximum weekly benefit amounts and those which reflect major State legislative enactments which occurred subsequent to the publication of the January 1966 edition of the *Comparison*.

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Page No.	Paragraph or column No.	State	Action	Page No.	Paragraph or column No.	State	Action
C-11	2	Utah	Add.	BT-8	Footnote 3, 7		Delete.
CT-9	3	Ga.	Add.	BT-9	1, 2, 3	Ky.	Add.
CT-11	5, 6, 7	Utah	Modify.	BT-9	Footnote 2	Ky.	New material.
T-6	2	N. Y.	Add.				Increase.
TT-1	9	Ariz.	Increase.	BT-11	2, 3	Del.	Increase.
TT-2	Footnote 16		New material.	BT-11	3	Va.	Increase.
TT-2	Footnote 7	N. Y.	Delete.	BT-15	6, 9, 10	Alaska, Md.	Increase.
TT-3	2, 3	Ga.	Delete footnote.	BT-17	6, 7, 8	Md., Ark., Colo., Ga., Idaho, Iowa, Ky., La., N. Dak., S.C., Utah, Wyo.	Increase.
TT-3	Footnote 3	Ga.	Delete.				
TT-7	1	Md.	Delete footnote.	BT-17	5, 8	Vt., R.I., Wis.	Increase.
TT-7	4	Md.	Delete.	BT-17	2, 5, 6, 8	Alaska	Increase.
TT-7	Footnote 3	Md.	Delete.	BT-17	2, 3, 4, 5, 7, 8	Del.	Increase.
TT-9	7	Ga.	Add footnote.	BT-17	3, 5, 7, 8	Va.	Increase.
TT-10	Footnote 3	Ariz.	New material.	BT-18	Footnote 5	Maine, Minn.	Delete.
TT-10	Footnote 3	Ga.	New material.	BT-18	Footnote 7	R.I., Vt., Wis.	Increase.
TT-11	5, 7	Ariz.	Delete.	BT-23	5, 6, 9, 10	Alaska	Increase.
TT-11	1	Ga.	Delete footnote.	BT-23	5, 9	Ark., Colo., Ga., Idaho, Iowa.	Increase.
TT-11	2, 3, 4	Ga.	Delete.				
TT-11	7	Ga.	Add.	BT-23	2, 4, 5, 6, 7, 8, 9	Del.	Increase.
TT-11	2	La.	Add.	BT-24	3	Ky.	Modify.
TT-11	5	La.	Increase.	BT-24	5, 9	Ky., La., Md.	Increase.
TT-12	Footnote 5		Delete.	BT-25	5, 9	N. Dak., R.I., S.C., Utah, Vt., Wis., Wyo.	Increase.
TT-12	Footnote 9	Ga.	Delete.				
TT-13	1, 3, 8, 9	Ga.	Add.	BT-25	4, 5, 7, 9	Va.	Increase.
B-9	2	Ariz.	New material.	BT-28	Footnote 6	Maine, Minn.	Delete.
B-23	2	Alaska	Modify.				
B-25	Footnote 4	La.	Delete.	E-7	Line 3	N.J.	Add.
B-26	4	La.	Delete.	E-7	2	Ga.	New material.
B-27	Line	La.	Delete.				
B-27	2 footnote 1	Del.	Increase.	E-15	2	N.J.	Add.
B-29	1	N.J.	Delete.	ET-1	7	Ga., N.J.	Add.
B-29	1	P. R.	Add.	ET-13	7	Md.	Add.
BT-1	3	Alaska	Add footnote.	ET-23	2	Ark.	Add.
BT-2	Footnote 10	Alaska	New material.	ET-23	2	Md.	Delete.
BT-3	3, 5	Del.	Increase.	ET-23	Footnote 5	Md.	Modify.
BT-3	3, 5	Del.	Add footnote.	ET-24	Footnote 7	Md.	Add.
BT-3	6	Va.	Increase.	A-7	3	Ohio	New material.
BT-3	Footnote 2	Del.	New material.				
BT-4	Footnote 4	Del.	Modify.	D-4	4	N. Y.	New material.
BT-7	5, 8, 9	Ark., Colo., Ga., Idaho, Iowa, Ky., La., Md., N. Dak., S.C., Utah, Wyo.	Increase.	D-9	2	R.I.	Increase.
BT-7	3 through 9	Del.	Increase.	D-11	Line 4	R.I.	Increase.
BT-7	4 through 9	Va.	Increase.	DT-2	7	R.I.	Increase.
BT-7	5, 9	Alaska, R.I., Vt., Wis.	Increase.	R-7	3 et seq.		New material.



INTRODUCTION

To enable the *Comparison* to reflect legislative changes more rapidly than it has in the past and to facilitate its easy use as a quick reference source, substantial changes in publication schedule and format have been initiated with the issuance of the January 1, 1966 edition. Since these changes represent a number of innovations in the presentation of its contents, innovations which have not yet been tested by time and experience, the reaction of the readership will be observed with considerable interest. Recommendations for further improvements of the *Comparison* are invited.

So that readers may obtain a quick grasp of what to look for in the "new" *Comparison* an outline of its salient features are listed:

1. It is in looseleaf form. Outdated pages can be ripped out. New pages can be inserted with the point of a pencil by placing the "T's" at the edge of the revised pages between the rings of the plastic comb binding.
2. A separate table of contents precedes each chapter.
3. The contents of each chapter are divided into sections and subsections. Each of these are identified by a numerical coding structure which establishes the relationship of each of the parts to each other and to the chapter as a whole. For example, the chapter on benefits has been assigned the numerical series of 300. The major sections of this chapter cover: Base Period and Benefit Year, Qualifying Wages or Employment, Waiting Period, Weekly Benefit Amount, Benefits for Partial Unemployment, Dependent's Allowances, Duration of Benefits, Seasonal Employment and Benefits, and Interstate Benefit Arrangements. These major sections of chapter 300 are respectively designated: 305—Base Period and Benefit Year, 310—Qualifying Wages or Employment, 315—Waiting Period, 320—Weekly Benefit Amount, etc. The subsections of each major section are separately numbered, the assigned number consisting of the number of the major section, followed by a decimal point which in turn is followed by a number identifying the subsection. Thus section 335—Duration of Benefits, consists of the following subsections: 335.01—Formulas for Variable Duration, 335.02—Minimum Weeks of Benefits, 335.03—Maximum Weeks of Benefits, 335.04—Other Limits on Duration, 335.05—Maximum Potential Benefits in a Benefit Year, 335.06—Extended Duration.
4. All tabular material relating to the narrative of a chapter is placed immediately behind the last narrative page of the chapter. Preceding the title of each table is an identifying number which is

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prefixed by two key letters relating the table to the chapter it follows. Thus, "CT" identifies the coverage tables, "TT" taxation tables, "BT" benefit tables, "ET" eligibility tables, "AT" administration tables, and "DT" disability tables.

5. The numbers identifying the pages of each chapter are preceded by a key letter for the narrative section and by two key letters for the tabular section. This system makes it possible to revise each chapter without affecting the continuity of the pages in the other chapters. It also makes it possible to revise on an individual basis either the narrative or the tabular portion of any chapter as needed without disturbing the page continuity of the portion which is not revised. The eight chapters of the *Comparison* deal with the following major subject areas: Coverage (C), Taxation (T), Benefits (B), Eligibility (E), Administration (A), Disability (D), Federal Claims (F), and Readjustment Allowances (R). The letters in parentheses are used as prefixes in the page numbering for each of these chapters. For example, in the chapter on benefits, each narrative page is preceded by the letter "B", i.e., B-1, B-2, B-3, B-4, etc. Each tabular page in the chapter on benefits is preceded by the letters "BT", i.e., BT-1, BT-2, BT-3, BT-4, etc. Thus the letter "T", when used as the second prefix letter of a page number, indicates that the pages are tabular in content and should be filed in proper numerical sequence with other tabular material related to the chapter.
6. A detailed key word index provides cross-referencing of concepts which appear within various contexts throughout the *Comparison*. The index will guide the reader to the appropriate sections or subsections rather than to page locations.
7. Footnotes to tabular material are set in larger type to facilitate easier reading.

It is planned to update, rewrite, or revise the material semiannually during "heavy" legislative years (1967 and subsequent odd-numbered years) and annually in "light" legislative years (1968 and subsequent even-numbered years). Only pages which require modification will be issued in accordance with this schedule. They will be distributed under cover of a transmittal letter which will include a checklist of each page, indicating its most recent revision date. This will provide the reader with a reference point against which he can verify the current status of his copy of the *Comparison*.

It is hoped that the innovations introduced with the present issue of the *Comparison* will fulfill their two-fold objectives of providing a reference source which contains current data encased in a format which offers to the researcher the means to obtain rapid access to required information.

PREFACE

In the Federal-State system of unemployment insurance established in this country under the Social Security Act, the individual States have been free to develop the particular program that seems best adapted to conditions prevailing within the State. Consequently, no two State laws are alike.

It is important that the public know the details of the employment security program and understand how it functions as a part of the Nation's comprehensive system of social insurance. The *Comparison of State Unemployment Insurance Laws* reports State by State the types of workers that are covered under the State law; the methods of financing the program; the benefits that are payable; the conditions to be met for payment; and the administrative organizations established to do the job. Such specific technical information is essential to an understanding of how the employment security program can make its maximum contribution to individual and family security as well as to the stability of business and of the economy in general.

During the regular legislative sessions of 1964 and 1965, 49 State legislatures amended their State unemployment insurance laws. The most significant provisions of the 52 State laws as of January 1, 1966, have been summarized and compared in this document. All of the amendments reported are effective by January 1, 1966, unless otherwise noted. The benefit provisions reported in chapter 300, however, are not effective for all claimants by this date. In some States, claimants who were already in a benefit status when the law became effective may not be eligible for benefits under the new provisions until they establish a new benefit year.

While the *Comparison* analyzes primarily the State statutes, in certain cases in which general statements in the statutes are implemented by specific statements in rules, regulations, opinions of attorneys general, or court decisions, the latter are included with notes indicating their source.

In the summaries and tables, "State" includes the District of Columbia and the Commonwealth of Puerto Rico, in accordance with the definition of State in the Social Security Act and the Federal Unemployment Tax Act. The Virgin Islands enacted an unemployment insurance law in 1961 which provides for contributions on wages paid after January 1, 1962, and for the payment of benefits beginning January 1, 1964. Since the program is not included in the Federal-State system of unemployment insurance set up under the Social Security Act, no analysis of the provisions of the law is included here.

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The Railroad Unemployment Insurance Act, which is administered by the Railroad Retirement Board for railroad workers, is outside of the Federal-State system of unemployment insurance and is not included in this comparison. Benefits are payable to railroad workers for unemployment due to sickness as well as to lack of work under a Federal formula applicable throughout the country.

Four States provide benefits for unemployment due to nonoccupational disability as well as for unemployment due to lack of work. In California, New Jersey, and Rhode Island, the programs are administered by the unemployment insurance agencies. The New York law is administered by the State workmen's compensation agency. The laws of these four States are compared briefly in chapter 600.

Since the State employment security agencies are administering the unemployment insurance provisions of title XV of the Social Security Act, as amended (Public Law 767, 83d Cong., and Public Law 848, 85th Cong.) and the training allowance provisions of the Manpower Development and Training Act, as amended (Public Law 415, 87th Cong., and Public Law 214, 88th Cong.) and the Trade Expansion Act (Public Law 794, 87th Cong.), a brief description of these Federal programs is included in chapters 700 and 800.

The *Comparison* has been issued solely for informational, reference, and research purposes. It should not be considered an official interpretation of the State unemployment insurance laws. The State statutes must be consulted for the full text of State laws. The State rules and regulations, opinions of attorneys general, and administrative and court decisions contain the official interpretations of these laws.

The *Comparison* has been prepared in the Branch of Library and Legislative Comparisons, Division of Legislative Policy and Analysis, in the Unemployment Insurance Service. It supersedes the *Comparison of State Unemployment Insurance Laws as of January 1, 1964*.

ROBERT C. GOODWIN

Administrator, Bureau of Employment Security